

REMARKS

Claims 1 and 7-44 were presented for examination and were pending in this application.

In an Official Action dated June 10, 2003, claims 1 and 7-44 were rejected. Applicant herein amends claims 1, 8, 9, 10, 24, 25, 29, 31, 38, and 39. Applicant herein cancels claims 18, 19, 35, and 41. Applicant herein adds claims 45-75. Applicant now requests reconsideration and allowance of claims 1, 7-17, 20-34, 36-40, and 42-44 and allowance of new claims 45-75.

Applicant thanks Examiner for the telephonic Examiner Interview conducted on September 16, 2003. Applicant's representatives summarized the claimed invention in view of representative claim 1 and these amended claims with Examiner Diaz. The cited references of Anderson and Melchione were generally discussed and Applicant's agents submitted their opinions as to how the claimed invention is patentably distinguishable over the cited references. Further details of the Examiner Interview are incorporated into this response.

Applicant thanks Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Response to Claim Rejections under 35 U.S.C. § 112

Claim 10 was rejected under 35 U.S.C. § 112 for being indefinite and unclear. Applicant has amended claim 10 herein to recite "The method of claim 1, wherein the lead request comprises at least one of the group consisting of a service request and a product request." Applicant respectfully submits that, as amended, claim 10 is claimed with sufficient particularity to be patentable. Thus, Applicant kindly requests reconsideration and allowance of claim 10.

Response to Claim Rejections under 35 U.S.C. § 102

Claims 1, 7-10, 15-17, 25, 27-29, 31-32, and 37-39 were rejected under 35 U.S.C. § 102(e) as being anticipated by Anderson. Claims 1, 25, 31, and 39 are amended herein. As now amended, claim 1 recites in part,

moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

Similarly, amended claim 25 recites in part,

sending a lead selection to the lead database, the lead selection indicating that the sales agent has selected the lead, the sales agent for contacting the lead to determine interest in at least one of a product and a service, wherein the lead in the lead database is moved to a selected set of the lead database for a predetermined time period after sending the lead selection.

In like manner, amended claim 31 recites in part,

A system for providing leads from a lead database to enable a sales agent to contact the leads to determine interest in at least one of a product or a service, the system comprising:

...
a timing unit configured to move the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period.

In addition, claim 39, as amended, recites in part,

A computer readable medium comprising:

...
program instructions for moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

Moving the leads from an active set of the lead database to a selected set of the lead database for a predetermined time period makes the leads unavailable to other sales agents. This feature beneficially provides a time period of exclusive access to a lead by a single sales agent who has

selected the lead. A benefit of this feature is that the sales agent does not compete with other sales agents for the same lead at the same time. In addition, the lead, for example, a potential customer, is only actively being pursued by a single sales agent avoiding multiplicity of calls or other contacts.

In contrast, Anderson simply discloses a lead database that provides searching and pre-scoring of leads for sales agents. As Examiner points out, Anderson does not disclose moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period. Therefore, for at least this reason, Applicant respectfully submits that claims 1, 25, 31, and 39 and their dependent claims 7-18, 20-24, 26-30, 32-34, 36-38, 40, and 42-44 and patentably distinct over Anderson.

Response to Claim Rejections under 35 U.S.C. § 103

Claims 18-21, 24, 34-36, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in further view of Melchione. Applicants have cancelled claims 18, 19, 35, and 41. With respect to the remaining claims, Applicant respectfully traverses these rejections because there is no motivation to combine Anderson with Melchione. Moreover, Melchione teaches away from the system shown in Anderson.

Anderson shows a method for retrieving information from a database that includes among other things searching the database to derive a collection of records and selecting the records for pursuit. (Anderson, abstract). The method of Anderson is structured for the user to be the person making the actual contact with the lead, as shown for example, by allowing customization of the method based on sales agents' preferences in terms of the type of customer they want to do business with (see, col. 3, lines 17-21) or whom they feel more comfortable soliciting business from (col. 7, lines 60-65).

Conversely, Melchione describes a sales process support system for a banking institution. A branch manager sends a request for a list of leads to a micromarketing center. The micromarketing center works with the branch manager to create the list of leads for a marketing campaign. (See Melchione, col. 8, l. 66 to col. 9, l. 5.) The branch manager then assigns the leads to personal bankers based on factors such as workload and availability. The personal bankers then conduct sales sessions with each of the assigned leads. (See Melchione, col. 9, ll. 46-57.)

Melchione teaches that the branch manager selects which salesperson (*i.e.*, personal banker) is assigned to contact the lead. This is an important feature of Melchione's system because the branch managers track performance and make adjustments to the marketing campaigns by redistributing the leads and modifying the criteria for the optimum list of leads for the campaign. (See Melchione, col. 9, lines 1-5 and 66-68, and col. 10, lines 1-8). In Anderson, the opposite occurs. That is, the sales agent searches for and "pulls" leads based on his or her own personal preferences, while in Melchione, the salesperson has leads "pushed" to him or her based on the branch manager's selection for the marketing campaign. Hence, the system of Melchione fundamentally teaches away from Anderson because the branch manager of Melchione is the one selecting the criteria for the leads.

For at least these reasons, Applicant respectfully submit that claims 20-21, 24, 34, 36, 41 and 42 are patentably distinct from the cited references, alone or in combination. Hence, favorable action is kindly requested.

Claims 11-14, 22, 23, 26, 30, 33, 43, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson. Applicant respectfully traverses these rejections.

Claim 11 recites in part,

sending a first confirmation message to the sales agent, and sending a second confirmation message to the lead.

The confirmation messages beneficially provide several advantages. For example, it provides an introduction of the sales agent to the lead and informs the lead that they should expect to be contacted by the sales agent. As a further example, this serves to increase the chance of a successful contact by eliminating the need for the sales agent to cold-call the lead and it also provides an incentive to the sales agent to contact the lead in a timely manner since the lead is expecting to be contacted.

Conversely, as pointed out by Examiner, Anderson fails to disclose “sending a first confirmation message to the sales agent, and sending a second confirmation message to the lead. Examiner relies on the assertion that sending a notice of receipt is old and well known in the art and combines this knowledge with Anderson as the basis for this rejection. Applicant seasonably challenged this Official Notice and further requests support for this assertion below. In addition, assuming *arguendo* that Examiner’s assertion is in fact the case, reassuring and proving to a user that a message was sent and received is not a motivation to combine the system of Anderson with sending notice of receipt because the system of Anderson fails to show any message sent or received that could need a reassurance or proof. Therefore, there is no motivation to combine Anderson with alleged common knowledge in the art. For at least this reason, claim 11 is patentably distinct over the cited reference alone and in combination with the alleged knowledge in the art.

With respect to claims 12-14, 22, and 23, as dependent claims of claim 1, claim 1 recites in part

moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

As previously discussed above, Anderson fails to disclose all the elements of claim 1. Further, none of the alleged knowledge in the art presented by Examiner in combination with Anderson as the basis for the rejections of claims 12-14, 22, and 23, include the all the elements of claim 1 not shown in Anderson, as for example, “moving the lead from an active set of the lead database to a selected et of the lead database for a predetermined time period.”

Additionally, assuming *arguendo* that the additional elements of “knowledge in the art” were in fact known, there is no combination to combine the “known” elements with the Anderson reference. Particularly, with respect to claim 12, even if “to disclose confirmation messages sent over a network” is old and well known in some arts, Anderson does not teach sending anything for which a “confirmation message” would be needed.

Similarly, with respect to claim 13, even if the Internet is old and well known in some arts, Anderson does not teach sending anything over any wide area network for which a confirmation message may be needed. Therefore, there is no motivation to combine Anderson with the “known” Internet as the wide area network for delivery of the confirmation.

Likewise, with respect to claim 14, even if “to send a notice of receipt to an administrator” it is old and well known in some arts, Anderson does not disclose sending any messages to anyone. Therefore, there is no motivation to combine Anderson with the “known” sending notices of receipt.

Further, with respect to claim 22, even if “to store the result of a lead in a database” is old and well known in some arts, Anderson does not teach receiving any messages that may need storage in a database. Therefore, there is no motivation to combine Anderson with the “known” storing since there is nothing disclosed that may need to be stored.

Finally, with respect to claim 23, even if “parsing messages” is old and well known in some arts, Anderson does not teach any messages that may need to be parsed. Hence there is no motivation to combine “parsing” knowledge with the Anderson reference.

Therefore, for at least this reason, claims 12-14, 22, and 23 are patentably distinct from the cited reference alone or in combination with the cited alleged knowledge in the art.

With respect to claims 26 and 30, as dependent claims of claim 25, claim 25 recites in part

sending a lead selection to the lead database, the lead selection indicating that the sales agent has selected the lead, the sales agent for contacting the lead to determine interest in at least one of a product and a service, wherein the lead in the lead database is moved to a selected set of the lead database for a predetermined time period after sending the lead selection.

As previously discussed above, Anderson fails to disclose all the elements of claim 25. Further, none of the alleged knowledge in the art presented by Examiner in combination with Anderson as the basis for the rejections of claims 26 and 30, includes all the elements of claim 25 not shown in Anderson, like for example, “sending a lead selection to the lead database, the lead selection indicating that the sales agent has selected the lead, . . . , wherein the lead in the lead database is moved to a selected set of the lead database for a predetermined time period after sending the lead selection.” Therefore, for at least this reason, claims 26 and 30 are patentably distinct from the cited reference alone or in combination with the cited alleged knowledge in the art.

With respect to claim 33, as dependent claim from claim 31, claim 31 recites in part,

A system for providing leads from a lead database to enable a sales agent to contact the leads to determine interest in at least one of a product or a service, the system comprising:

...

a timing unit configured to move the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period.

As previously discussed above, Anderson fails to disclose all the elements of claim 31. Further, the alleged knowledge in the art of “having a reseller control unit communicatively coupled to the lead unit and configured to determine whether the lead request is authorized for the sales agent” in combination with Anderson as the basis for the rejections of claim 33 does not include all the elements of claim 31 not shown in Anderson. For example, “a timing unit configured to move the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period” is neither shown in Anderson nor shown by Anderson in combination with the alleged knowledge in the art. Therefore, for at least this reason, claim 33 is patentably distinct from the cited reference alone or in combination with the cited alleged knowledge in the art.

With respect to claims 43, and 44, as dependent claims from claim 39, claim 39 recites in part,

A computer readable medium comprising:

...
program instructions for moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.

As previously discussed above, Anderson fails to disclose all the elements of claim 39. Further, none of the alleged knowledge in the art presented by Examiner in combination with Anderson as the basis for the rejections of claims 43 and 44, include the all the elements of claim 39 not shown in Anderson, like for example, “program instructions for moving the lead from an active set of the lead database to a selected set of the lead database for a predetermined time period, wherein leads in the selected set cannot be provided to a second sales agent.” Therefore, for at

least this reason, claims 43 and 44 are patentably distinct from the cited reference alone or in combination with the cited alleged knowledge in the art.

Therefore, for at least the aforementioned reasons, claims 11-14, 22, 23, 26, 30, 33, 43, and 44 are patentable over the cited references alone or in combination. Thus, Applicant respectfully request reconsideration and allowance of claims 11-14, 22, 23, 26, 30, 33, 43, and 44.

Further, Examiner's response to Applicant's arguments questions the validity of Applicant's request for support of Examiner's Official Notice. Applicant respectfully submits that a "seasonable challenge" was made in the "Response B with Request for Continued Examination" filed March 26, 2003, because "a seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution." MPEP § 2144.03. Applicant "seasonably challenged" the statements made by Examiner by requesting Examiner to provide citations of references that disclose what is alleged to be well known in the art at the time the invention was made. Further, Applicant notes that in response to Applicant's seasonable challenge to Examiner's Official Notice, as opposed to the Board of Patent Appeals and Interferences, "the examiner should cite a reference in support of his or her position." *In re Malcom*, 129 F.2d 529 (MPEP § 2144.03). Applicant respectfully submits that the heighten burden to "warrant the reopening of the prosecution" had the Official Notice been taken by the Board is not required at this stage of prosecution. See, *In re Boon*, 439 F.2d 724, 728. However, in an effort to provide as much clarity as possible, as proposed during the Examiner Interview, Applicant further specifies the request as follows.

With respect to claim 14, Applicant requests support for the assertion that "it is common practice to send a notice of receipt to an administrator" and "it is old and well known in the art to

send confirmation messages to the agent and the lead” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based method being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claims 1, 20, 36, and 42, Applicant requests support for the assertion that “it is old and well known for a manager to reassign tasks within a group after a certain period of time” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer- based method or system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 23, Applicant requests support for the assertion that “parsing the message is old and well known in the art” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based method being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claims 24, 34, and 44, Applicant requests support for the assertion that “it is common practice to send a notice of receipt using an administrative unit” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based method or system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 31, Applicant requests support for the assertion that “it is old and well known for a manager to have a timing unit and moving the lead at a predetermined time to reassign tasks within a group” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 11, Applicant requests support for the assertion that “it is old and well known to send a notice of receipt” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 12, Applicant requests support for the assertion that “it is old and well known in the art to disclose confirmation messages sent over a network” and “it is common practice to send a notice of receipt over a wide area network” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 22, Applicant requests support for the assertion that “it is old and well known in the art to disclose storing the result in a database” as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other

such computer-based system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

With respect to claim 33, Applicant requests support for the assertion that "it is old and well known to have a reseller control unit to be coupled to a lead unit to determine authorization" as it relates to the art of automatic lead distribution and processing confirmation systems and methods in a computer based environment at the time the application was filed. Applicant is not aware of any other such computer-based system being practiced in the art of providing leads to sales agents from a lead database in which the Applicant is engaged.

In sum, applicant submits that although some of the knowledge the Examiner has taken official notice of may be known in some arts, applicant is not aware of those features being known in the art the applicant is skilled in. Further, as stated above, Applicant submits that even if some of the knowledge to which Examiner has taken official notice of is in fact known in some arts, there is no motivation to combine such knowledge in non-analogous arts with the cited references. Hence, Applicant kindly requests that Examiner provides citations of references that disclose what is alleged to be well known in the art of the claimed invention at the time the invention was made in addition to motivations to combine any such knowledge with the cited references.

Lastly, for clarification, applicant has amended claims 1, 31, and 39 to remove any indication of intent to claim the actions of the sales agent. In claims 1 and 31, applicant includes the definitional aspect of the claim relating to the sales agent into the preamble rather than in the claim elements to show that applicant does not intend to claim the actions of the sales agent and that the language is merely definitional to help the understanding of the claim. Similarly, in

claim 39, applicant has amended the definitional aspect of a claim element to indicate that the sales agent is capable of contacting the lead regardless of the actual actions of the sales agent.

CONCLUSION

In sum, Applicant respectfully submits that claims 1, 7-17, 20-34, 36-40, 42-75, as presented herein, meet the requirements of 35 U.S.C. § 112 and are patentably distinguishable over the references cited. Therefore, Applicant requests reconsideration and allowance of claims 1, 7-17, 20-34, 36-40, and 42-44 and allowance of new claims 45-75.

In addition, Applicant respectfully invites Examiner to contact Applicant's representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
AXEL SCHULTZE

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By:



Hector J. Ribera, Esq.
Registration No. 54,397
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7192
Fax: (650) 938-5200